



1 Igor Pavlovsky
2 150 W Superior 701 (please use email below)
3 Chicago, IL 60654
4 Email: igor_pavlovsky@yahoo.com

5 Creditor of The Tulving Company, Inc.

6 **UNITED STATES BANKRUPTCY COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**
8 **SANTA ANA DIVISION**

9 In re:

Case No.: 8:14-bk-11492-ES

THE TULVING COMPANY, INC., a California
Corporation,

Chapter 7

Debtor.

**NOTICE OF MOTION AND MOTION
TO OPT OUT OF THE ERROR COIN
DISTRIBUTION IN LIEU OF CASH
DISTRIBUTION**

Hearing:

Date: October 12, 2017

Time: 10:30am

Place: 411 West Fourth Street
Courtroom 5A
Santa Ana, CA 92701

10
11 **TO THE HONORABLE ERITHE SMITH, UNITED STATES BANKRUPTCY JUDGE AND THE OFFICE**
12 **OF THE UNITED STATES TRUSTEE:**

13 **PLEASE TAKE NOTICE** that on **October 12, 2017 at 10:30am**, or as soon thereafter as I may be
14 heard, a hearing will be held via telephonic means upon the Motion of Igor Pavlovsky in the
15 above-entitled chapter 7 case seeking approval to permit me to opt-out of the Error Coin
16 Distribution in lieu of cash distribution.

17 **PLEASE TAKE NOTICE** that on Feb 16, 2016, I opted out of the Error Coin Distribution through
18 providing notification through e-mail correspondence to the Chapter 7 Trustee. A true and
19 accurate copy of the February 16, 2016 e-mail is attached hereto as **Exhibit A**.

20 **PLEASE TAKE FURTHER NOTICE** that the Trustee acknowledged my decision to opt out of the
21 Error Coin Distribution on February 16, 2016. A true and accurate copy of the February 16,
22 2016 e-mail is attached hereto as **Exhibit B**.

1 **PLEASE TAKE FURTHER NOTICE** that on May 4, 2016, the Trustee through e-mail
2 correspondence provided me with an option to opt back in and receive the Error Coin
3 Distribution, which I rejected by not replying (reply was needed only for opting in). A true and
4 accurate copy of the May 4, 2016 e-mail is attached hereto as **Exhibit C**.

5 **PLEASE TAKE FURTHER NOTICE** that on August 15, 2017, after not receiving any communication
6 from the trustee for over a year, I learned from a third-party website of another deadline to opt
7 out of the Error Coin Distribution. I immediately contacted the Trustee via e-mail
8 correspondence at the email address published on the official bankruptcy website and the e-mail
9 was returned to me as an invalid address. I then contacted the Trustee at another email address,
10 and was directed to Mr. Spencer Ferrero. I informed Mr. Ferrero of my decision to remain opted
11 out of the Error Coin Distribution, but was told that: (1) the deadline to opt-out had passed on
12 July 3, 2017; (2) the deadline is set by the Court; (3) the Trustee has no discretion to vary the
13 deadline; and (4) the correspondence regarding the opt-out deadline had been sent to me by U.S.
14 paper mail.

15 **PLEASE TAKE FURTHER NOTICE** that I did not receive the U.S. paper mailed correspondence
16 providing me with the opportunity to opt-out of the Error Coin Distribution until August 22,
17 2017, well after the opt-out deadline had passed. Because I spend significant time away from my
18 mailing address, my mail is regularly monitored by an attorney's firm in Chicago. The
19 attorney's firm was not in receipt of the U.S. paper mailed correspondence providing me with the
20 opportunity to opt-out of the Error Coin Distribution despite checking my mail as recently as
21 August 18, 2017.

22 **PLEASE TAKE FURTHER NOTICE** that: (1) I have not varied in my decision to opt out of the Error
23 Coin Distribution since informing the Trustee on February 16, 2016; (2) I made reasonable
24 efforts to monitor the updates with respect to the above-entitled chapter 7 case both by e-mail
25 and paper mail; and (3) I did not receive any communication regarding the latest July 3, 2017
26 deadline to opt-out of the Error Coin Distribution until after it had passed.

27 **PLEASE TAKE FURTHER NOTICE** that I do not wish to receive the Error Coins currently allocated
28 to Victim ID 029 and Claim Number 353-1, and hereby choose to opt-out of the Error Coin
29 Distribution. A true and accurate copy of my Opt-Out Notice is attached hereto as **Exhibit D**.

30 **WHEREFORE**, I respectfully request that the Court approve this Motion and permit me to
31 opt-out of the Error Coin Distribution and grant such other relief as is just and proper under the
32 circumstances.

33
34 Dated: September 6, 2017

Igor Pavlovsky

35
36 By 
37 Igor Pavlovsky
38 Pro Se

The Tulving Company (Case 8:14-bk-11492-ES)

EXHIBIT A

On Tuesday, February 16, 2016 8:13 AM, Igor Pavlovsky <igor_pavlovsky@yahoo.com> wrote:

Hello Laura.

I would like to opt out of the Error Coin distribution.

Thank you,

Igor Pavlovsky.

On Tuesday, February 9, 2016 3:24 AM, Laura Kramer <lkramer@thinkbrg.com> wrote:

Hello,

In the past, as the duly appointed Chapter 7 trustee ("Trustee") in the Tulving Company, Inc. I have communicated with creditors on numerous occasions. Most recently, on January 6th, 2016 I described my desire to distribute 12,539 Presidential Missing Edge Letter Coins ("Error Coins") to victims of Hannes Tulving / The Tulving Company.

On January 19, 2016, the court held a hearing regarding the Error Coin distribution during which I described the circumstances and process for doing so. On January 27, 2016, the court approved the distribution of the Error Coins to allowed claimants. You may visit The Tulving Company Official Bankruptcy Website <http://tulvingbankruptcy.com/filings.aspx> to review the aforementioned motion and Order.

The purpose of this email is to inform you that we are moving forward with Heritage Auction house to distribute the Error Coins in accordance with the Judge's Order. The purpose of this communication is solely to identify those individuals who would like to exercise their right to "**Opt Out**" of the Error Coins distribution. **If you would like to "Opt Out" of receiving your portion of the Error Coins, you may respond to this e-mail and by informing us of your decision.** . Or, in the alternative, you may communicate your desire to "Opt Out" directly to lkramer@thinkbrg.com . If email is not available to you, please send a letter via United States Postal Service or similar delivery, to the Trustee indicating you do not wish to receive Error Coins. The letter must be received/post marked by February 21, 2016, and be sent to the address below.

Berkeley Research Group, LLC
Attn: Todd Neilson/Laura Kramer
2049 Century Park East
Suite 2525
Los Angeles, CA 90067

It is important for you to understand that should you wish to receive your share of the Error coins, you NEED NOT DO ANYTHING nor respond to this e-mail. By virtue of your silence, we assume that you want to accept your allocated portion of the Error Coins.

The Error Coins will be sent to your current address as listed in the Trustee's records. If you changed your address or are unsure as to the accuracy of the address in the Trustee files, please contact Laura Kramer at lkramer@thinkbrg.com or via telephone [310-499-4716](tel:310-499-4716).

As a creditor in the Tulving Company, Inc., we encourage you to review all the Trustee reports at <http://tulvingbankruptcy.com/Trustee.aspx> and court document filings at <http://tulvingbankruptcy.com/filings.aspx>. If you would like to review all or additional documents filed in the Tulving bankruptcy matter please access the court's PACER system for a small fee to view filed documents.

Sincerely,

R. Todd Neilson

Laura Kramer | Senior Associate

Berkeley Research Group, LLC
2049 Century Park East, Suite 2525 | Los Angeles, CA 90067
D [310.499.4716](tel:310.499.4716) | O [510.285.3300](tel:510.285.3300) | F [310.557.8982](tel:310.557.8982)
lkramer@thinkbrg.com | thinkbrg.com

The Tulving Company (Case 8:14-bk-11492-ES)

EXHIBIT B

On Tuesday, February 16, 2016 10:27 AM, Laura Kramer <lkramer@thinkbrg.com> wrote:

Hello Mr. Pavlovsky,

Thank you for your response. We have updated our records to reflect your decision to opt out of receiving Error coins.

Sincerely,

Laura Kramer | Senior Associate

Berkeley Research Group, LLC

2049 Century Park East, Suite 2525 | Los Angeles, CA 90067

D [310.499.4716](tel:310.499.4716) | O [510.285.3300](tel:510.285.3300) | F [310.557.8982](tel:310.557.8982)

lkramer@thinkbrg.com | thinkbrg.com

From: Igor Pavlovsky [mailto:igor_pavlovsky@yahoo.com]

Sent: Tuesday, February 16, 2016 6:13 AM

To: Laura Kramer <lkramer@thinkbrg.com>

Subject: Re: Tulving - Error Coin Distribution

Hello Laura.

I would like to opt out of the Error Coin distribution.

Thank you,

Igor Pavlovsky.

The Tulving Company (Case 8:14-bk-11492-ES)

EXHIBIT C

On Wednesday, May 4, 2016 6:21 PM, Laura Kramer <lkramer@thinkbrg.com> wrote:

Hello,

If you have received this email, it is because you chose to "Opt Out" of receiving Error Coins.

As previously communicated, the Missing Edge Lettering ("MEL") coins were to be allocated valued and distributed to the victims/creditors of the Tulving bankruptcy based on the "Standish" valuation. Miles Standish is one of the premier coin valuation experts in the nation, especially MEL coins. However, after the coins were transferred to Heritage Auctions and a detailed inventory was completed, it became apparent that the Standish MEL coin valuation was substantially over stated. The MEL coin values in Mr. Standish's inventory were supposedly graded, whereas in actuality the MEL coins were not graded and segregated, thereby vastly overstating the MEL coin values.

The MEL coins will now be distributed based on the Heritage Auction inventory value (approximately \$400,000), which is significantly lower than the Standish value (approximately \$7.3 million). Therefore your current bankruptcy claim amount will not be reduced as much as once thought using the Standish valuation. Originally using the Standish valuation, your claim would have been reduced by 44.5%. Now using the Heritage valuation your claim will only be reduced by 2.6%. The reduction in the valuation amount of the coins has minimal impact on the actual number of coins to be received.

Therefore, we would like to extend the option for creditors who previously "opted out" of receiving MEL coins to opt back in. You may communicate your desire to "Opt In" directly to lkramer@thinkbrg.com. If email is not available to you, please send a letter via United States Postal Service or similar delivery, to the financial advisors mailing address below indicating you have changed your decision to receive MEL coins. Your decision must be received/post marked by Wednesday, May 11, 2016.

Berkeley Research Group, LLC

Attn. Laura Kramer

2049 Century Park East, Suite 2525

Los Angeles, CA 90067

If you have any questions, feel free to contact Laura at 310-499-4716.

Sincerely,

Nicholas R. Troszak

Laura Kramer | Senior Associate

Berkeley Research Group, LLC

2049 Century Park East, Suite 2525 | Los Angeles, CA 90067

D 310.499.4716 | O 510.285.3300 | F 310.557.8982

lkramer@thinkbrg.com | thinkbrg.com

Please see other side for
next page

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EXHIBIT D

The Tulving Company (Case 8:14-bk-11492-ES)

Victim ID 029

Claim Number 353-1

Pavlovsky, Igor
150 W Superior Street, #701
Chicago
617-642-6164

IL 60654
igor_pavlovsky@yahoo.com

Allowed Unsecured Claim Amount \$39,580

Not For Public Distribution

Name	PCGS No	Year	Type	Grade	Value	Coins	Total Value
Adams	151052	2007-P	IDEL	Grade 64	\$30	7	\$210
Adams	151051	2007	ODEL	Grade 63	\$30	3	\$90
Sacajawea	408373	2009	MEL	Grade 65	\$105	1	\$105
Fillmore	504102	2010	MEL	Grade 64	\$110	2	\$220
Madison	403355	2007	MELSF	Grade 65	\$110	1	\$110
Taylor	504100	2009	MEL	Grade 65	\$120	6	\$720
Fillmore	504102	2010	MEL	Grade 65	\$125	2	\$250
Harrison	410855	2009	MEL	Grade 66	\$130	1	\$130
Madison	103355	2007	MELSF	Grade 66	\$130	1	\$130
Sacajawea	408373	2009	MEL	Grade 66	\$130	4	\$520
Taylor	504100	2009	MEL	Grade 66	\$150	8	\$1,200
Fillmore	504102	2010	MEL	Grade 66	\$175	6	\$1,050
Sacajawea	408373	2009	MEL	Grade 67	\$310	1	\$310
Taylor	504100	2009	MEL	Grade 67	\$425	3	\$1,275
Fillmore	504102	2010	MEL	Grade 67	\$550	2	\$1,100
Total Value of Error Coins to be Distributed						48	\$7,420
% of Total Value to Claim Amount							18.75%

☐ Please mail the above listed Error Coins to the address listed above

☐ I have moved. Please mail the above listed Error Coins to my new address identified below:

Street Address _____

City, State, Zip Code _____

Email Address _____

Telephone Number _____

IDEL = Inverted Doubled Edge Lettering
MEL = Missing Edge Lettering
MELSF = Missing Edge Lettering-Satin Finish
ODEL = Overlapped Doubled Edge Lettering

☒ I do not wish to receive the above listed Error Coins. I hereby choose to opt-OUT of the Error Coin Distribution. I understand that it is possible that I might not receive any other form of distribution out of this bankruptcy estate.

IGOR PAULOVSKY

Print Name



Signature

25 Aug 2017

Date